

REMARKS

The Examiner's Action mailed on March 26, 2004 has been received and its contents carefully noted.

In this Amendment, Applicants have canceled claims 2, 3, 22 and 29, and have amended claims 1, 4, 7, 8, 9, 21, 27 and 28. Claims 1, 9 and 21 are the independent claims. Claims 1, 4-9, 21 and 23-28 remain pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Initially, it is noted that Applicants' Petition, which was provisionally filed with the Response to Restriction Requirement on January 27, 2003, has not been forwarded to the Commissioner for review of the Examiner's Restriction Requirement. It is unclear why the Examiner has failed to take this requested Action, but it is again requested that he promptly do so

The Examiner's Action has rejected claims 1-9 and 21-29 as being obvious over *Schweitzer et al* (USP 3,856,472) in view of *Kojima et al.* (USP 3,990,990). Because claims 2, 3, 22 and 29 have been canceled, Applicants will treat this rejection as pertaining only to pending claims 1, 4-9, 21 and 23-28. It is submitted that these claims are patentably distinguishable over the cited references for at least the following reasons.

Applicants' independent claim 1 is directed to a first and a second stacked disk, comprised of glass or glass ceramic, and a powder disposed between the disks, and which spaces the disks from each other. The powder facilitates removal of the first disk from the second disk, and protects the first disk and the second disk from scratches, and serves to cushion the first disk and the second disk to protect the disks from impact

damage, when the second disk is stacked upon the first disk. Independent claim 21 recites similar features, but further defines the powder.

As revealed by Applicants' specification, prior to Applicants' claimed invention, it was conventional to transport stacked disks using a piece of paper between adjacent disks. The paper would prevent the surface of one disk from scratching the surface of an adjacent disk, and would facilitate separation of the disks from the stack. However, the use of such paper is problematic to the end user. For example, some of the paper would invariably end up in undesired locations, such as being caught in the workings of an expensive piece of manufacturing equipment causing possible equipment damage and loss of thru-put, or as debris on the floor (see page 3, line 3 through page 4, line 7). Applicants' claimed invention overcomes these and other problems by providing a powder between the adjacent disks. In particular, the claimed powder serves as a cushion between the disks, so that the disks will not damage one another. Moreover, the powder may absorb impacts to the stack caused by improper handling, thus protecting the disks from breakage. Further, the use of the powder will prevent close forces of attraction such as polarization and coulombic forces from holding the disks together, thus facilitating the separation of the disks from the stack of disks (see page 9, lines 17-22). Neither Applicant's claimed invention, nor the problems sought to be solved by Applicants' claimed invention, nor the advantages associated with Applicants' claimed invention, are disclosed or suggested by the cited references.

Schweitzer et al. disclose an apparatus for the gettering of semiconductors, to prevent or reverse the diffusing-in of impurities. In particular, this reference teaches sandwiching a semi-conductor disk 5 between two quartz glass disks 6 (i.e., a getter

material), in a stacked arrangement. This reference teaches that during thermal treatment, undesired impurities within the semi-conductor disk 5 will diffuse into the quartz glass (see column 2, lines 26-28). This reference also teaches that in order to accomplish this objective, the faces of the semi-conductor disk 5 will lie in contact with the faces of the quartz glass disks 6 (see column 3, lines 13-15, and claim 1).

However, and in contrast to the present invention, this reference does not disclose or suggest a powder, much less a powder disposed between first and second stacked disks, as recited in claims 1 and 21.

Moreover, since this reference does not teach the use of a powder, then this reference can not possibly teach using a powder that facilitates removal of the first disk from the second disk, or that protects the first disk and the second disk from scratches, and/or which serves to cushion the first disk and the second disk to protect the disks from impact damage, when the second disk is stacked upon the first disk. Moreover, although the reference does disclose quartz glass disks 6, this reference also teaches that each quartz glass disk is separated from an adjacent quartz glass disk by an intervening semi-conductor disk. As such, not only does this reference not disclose or suggest that only a powder spaces the first and second disks from each other, but this reference specifically teaches away from such a configuration. That is, if the semi-conductor disk 5 were removed from the stack shown in Figure 2, and replaced with a powder, so that the quartz glass disks 6 were only spaced apart by such a powder, then the semi-conductor disk 5 would not be in a position to have its impurities removed from therein, which is the entire purpose of this patent.

The Examiner's Action relies on the teachings of *Kojima et al.* to overcome the deficiencies of *Schweitzer et al.*

Kojima et al. teach using an aqueous solution to prevent rubber or rubber-like components from sticking to each other. This reference also teaches that it is known to use powder to prevent unvulcanized rubber sheets from sticking to each other, when they are stored as piles or rolls (see column 1, lines 13-19). This reference also teaches that using a powder is disadvantageous, since powder causes dusting and produces a bad work environment (see column 1, lines 22-25). This reference thus proposes a method and composition for preventing the adhesion between rubber and rubber-like materials, which is of a non-powder form (see column 1, lines 39-44). To accomplish this objective, this reference teaches forming the composition for preventing the adhesion from an aqueous solution, which could include up to 20% of a water insoluble inorganic powder with respect to a water soluble aromatic compound component (see column 3, line 60 through column 4, line 7).

The Examiner's Action states that it would have been obvious to have provided the disks of *Schweitzer et al.* with the powder disclosed by *Kojima et al.*, in order to prevent the disks from sticking to each other. However, it is noted that the anti-adhesion composition disclosed by *Kojima et al.* is specifically limited to preventing rubber and rubber-like material from sticking to each other. There is no suggestion from this reference that such an anti-adhesion composition could be utilized with other materials, such as with the semi-conductor disks and glass disks disclosed by *Schweitzer et al.*

Moreover, there is no disclosure or suggestion from this reference of using a powder to protect the first disk and the second disk from scratches, and/or which serves to cushion the first disk and the second disk to protect the disks from impact damage, when the second disk is stacked upon the first disk. That is, the powder disclosed by *Kojima et al.* is used only in connection with rubber and rubber-like products, which have no need for protection against scratches, or of a cushion to protect the products from impact breakage. Moreover, in view of the fact that *Schweitzer et al.* teach away from using only a powder to space the first and second disks from each other, one can logically conclude that it is only in light of Applicants' own application that the desirability of the proposed combination becomes apparent. However, it is manifestly improper to engage in piecemeal reconstruction of the prior art where only the Applicants' specification suggests any reasons for combining such features. Such hindsight reconstruction of references violates the intent and spirit of 35 U.S.C. §103.

Additionally, this reference does not disclose or suggest that only a powder is used to space a first disk from a second disk. That is, this reference teaches that using a powder, by itself, is disadvantageous, so this patent proposes a composition for preventing the adhesion, which is an aqueous solution, which could include up to 20% of a water insoluble inorganic powder with respect to a water soluble aromatic compound component. Thus, this reference teaches using powder, a water-soluble aromatic compound component, and water, to space the rubber components from each other. Moreover, although this patent does disclose that the prior art used powder to prevent sticking of unvulcanized rubber sheets, this reference does not teach using only powder, as recited in claims 1 and 21. As such, it is requested that these claims, and

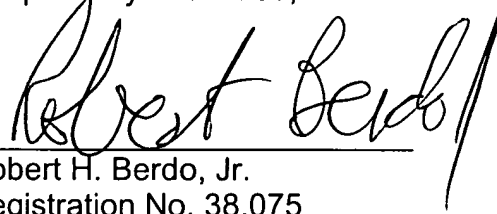
the claims dependent therefrom, be allowed, and that this portion of the rejection be withdrawn.

Moreover, Applicants' claim 9 is submitted to be patentably distinguishable over the cited references for at least the following reasons. Claim 9 recites a combination that includes a plurality of disks including a first glass or ceramic glass disk and a second glass or ceramic glass disk stacked upon the first disk. The combination also includes a powder disposed between the first disk and the second disk. Claim 9 also recites that the first disk is spaced apart from the second disk by only the powder. In contrast, and as noted above with respect to claims 1 and 21, the cited references do not disclose or suggest a first glass or ceramic glass disk that is spaced apart from a second glass or ceramic glass disk by only a powder. In fact, as discussed above, *Schweitzer et al.* specifically teaches away from such a configuration, as this would require the removal of the semi-conductor disk from between the glass disks, destroying the functionality of the disclosed arrangement. It is thus requested that this claim be allowed, and it is further requested that these rejections be withdrawn.

It is submitted that this application is in condition for allowance. Such action, and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert H. Berdo, Jr.", written over a horizontal line.

Robert H. Berdo, Jr.
Registration No. 38,075
RABIN & BERDO, PC
Customer No. 23995
Telephone: 202-371-8976
Facsimile: 202-408-0924

June 22, 2004
Date

RHB:crh

AMENDMENT

09/840,077